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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 v.
21 YOLANDA BROWN,
22 Defendant.

23 Case No.: CR 15-0442, CR 16-0441 TEH

24 **SENTENCING MEMO**

25 **Court:** Courtroom 12, 19th
26 Floor

27 **Hearing Date:** February 27, 2017

28 **Hearing Time:** 2:30 p.m.

ARGUMENT

Defendant Yolanda Brown has accepted full responsibility for her criminal conduct. In doing so, Ms. Brown accepted the plea agreement offered to her by the government, including its guideline calculations. Pursuant to that agreement, Ms. Brown retained her right to seek a downward variance below the guideline range under the statutory factors of 18 U.S.C. § 3553(a). Because Ms. Brown has never before been sentenced to a term of imprisonment greater than three years, among other § 3553(a) factors, the Court here should sentence her to no more than 120 months imprisonment.

Yolanda Brown, 48 years old, has a long history of drug addiction, which directly contributed to the instant offenses, as well as to her prior convictions, and has resulted in other significant traumas, such as the loss of her children. PSR ¶¶ 125-26; *see also id.* ¶¶ 5-15, 78-98, 116. Ms. Brown is also the victim of domestic violence, which no doubt resulted in additional emotional trauma and further drug addiction. *See* PSR ¶ 117. Ms. Brown suffers from diabetes and high blood pressure. PSR ¶¶ 122-23. In addition, Ms. Brown is mentally ill, chronically suffering from depression, anxiety and panic attacks. PSR ¶ 124.

Most significant is that, although Ms. Brown has an extensive criminal record, she has never before been sentenced to a term of incarceration greater than three years imprisonment. See PSR ¶¶ 78-90. Here, the U.S. Probation Officer calculates an advisory guideline range of 168 to 210 months, based upon Total Offense Level 32, and recommends a sentence of 168 months, at the low end of that range. The plea agreement instead calculates Total Offense Level 31, which results in a guideline range of 151 to 188 months. Nevertheless, Ms. Brown respectfully submits that, based upon the § 3553(a) factors discussed above, a sentence of 120 months is the appropriate sentence. While serving that sentence, Ms. Brown will continue to address her drug addiction, and the trauma underlying it, so that she can succeed while on supervised release and ultimately become a productive member of society.

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CONCLUSION

For the aforementioned reasons, the Court should sentence Ms. Brown to 120 months imprisonment.

Respectfully submitted,

February 13, 2017
Dated

STEVEN G. KALAR
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/S
DANIEL P. BLANK
Assistant Federal Public Defender